



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In Re: Methyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation**

**MASTER FILE NO. 1:00-1898  
MDL 1358 (SAS)**

The Honorable Shira A. Scheindlin

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**This Document Relates To:**

***City of Fresno v. Chevron U.S.A., Inc., et al.*  
04 Civ. 04973**

**DECLARATION OF DIANA P. MARTIN IN  
SUPPORT OF TESORO'S MOTION FOR  
SUMMARY JUDGMENT FOR LACK OF  
EVIDENCE PERTAINING TO  
CAUSATION**

**DECLARATION OF DIANA P. MARTIN**

I, Diana P. Martin, declare as follows:

1. I am a member of the State Bar of California and Counsel with the law firm Hunton & Williams LLP, counsel of record in the above-entitled action for Defendants Tesoro Corporation (formerly known as Tesoro Petroleum Corporation) and Tesoro Refining and Marketing Company (erroneously named as Tesoro Refining and Marketing Company, Inc.) (collectively, "Tesoro"). I have personal knowledge of the matters set forth below and, if necessary, could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of discovery requests and/or responses served by the City of Fresno and Tesoro in this matter:

- a. Plaintiff City of Fresno's Supplemental Responses to Tesoro Corporation's and Tesoro Refining and Marketing Company's First Set of Interrogatories to Plaintiff City of Fresno (dated Nov. 14, 2012), Interrogatories Nos. 1, 2.
- b. Defendants Tesoro Corporation (F/K/A Tesoro Petroleum Corporation) and Tesoro Refining and Marketing Company's (Erroneously Named as Tesoro Refining and Marketing Company, Inc.) Response to Plaintiff City

of Fresno's First Set of Interrogatories to Defendants (dated Nov. 7, 2008), Interrogatory No. 5.

- c. Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, to Custodian of Records, Southern Counties Oil Co., c/o Robert Bollar (Agent for SOP) (dated Feb. 18, 2011). Our offices are not aware of, nor have we received, any documents produced in response to the subpoena.

3. Attached hereto as Exhibit 2 are true and correct copies of excerpts of deposition testimony related to the U&A site located at 2929 North Blackstone.

- a. Balinder Mehat, Sr., deposed Jul. 27, 2011: pages 1, 12-13, 63.
- b. Baldev Singh Sandhu, deposed Jul. 27, 2011: pages 1, 14, 17, 34-35.
- c. Dalibir Singh, deposed Aug. 9, 2011: pages 1, 11-12, 49-50.

4. Attached hereto as Exhibit 3 are true and correct copies of excerpts of deposition testimony, an excerpt of the Expert Site Specific Report of Marcel Moreau, and documents produced by the County of Fresno Department of Environment and Health ("FCDEH-FRESNO") and Regional Water Quality Control Board ("RWQCB-FRESNO"), all pertaining to the Valley Gas site located at 2139 South Elm:

- a. Imtiaz Ahmad, deposed Feb. 16, 2011: pages 1, 20-25, 27, 62, 139-140.
- b. Shirley Ahmad, deposed Feb. 16, 2011: pages 1, 12, 14, 16-17, 27.
- c. Expert Site Specific Report of Marcel Moreau (Dec. 5, 2011), submitted on behalf of Plaintiff City of Fresno, pertaining to Valley Gas, pages 1-5.
- d. FCDEH-FRESNO-004191-004192, Letter from Jim R. Armstrong, County of Fresno to Petro Group II (Feb. 1, 2000).
- e. RWQCB-FRESNO-001239, Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report (Jan. 24, 2000).
- f. RWQCB-FRESNO-001258-001261, Letter from A. Saboor Rahim, ASR Engineering, Inc. to Jack Mendrin, West Star Env't'l Inc. (Nov. 29, 1999).

- g. RWQCB-FRESNO-001427, Letter from West Star Env'tl, Inc. to Fresno Cty. Env'tl Health Dep't (Oct. 25, 1999).
  - h. RWQCB-FRESNO-001429, Letter from George Verdugo, Verdugo Construction to Harry Yee, Fresno County Env'tl Health (Aug. 9, 1999).
5. Attached hereto as Exhibit 4 is a true and correct copy of a letter sent by Michael Axline to Suedy Torabi (Mar. 6, 2013).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and ability.

Executed this 15<sup>th</sup> day of March, 2013 at Los Angeles, California.

*Diana P. Martin*  
Diana P. Martin